

PATTI GOLDMAN (WSB #24426)  
AMY WILLIAMS-DERRY (WSB #28711)  
Earthjustice  
705 Second Avenue, Suite 203  
Seattle, WA 98104  
(206) 343-7340  
(206) 343-1526 [FAX]  
pgoldman@earthjustice.org  
awilliams-derry@earthjustice.org

THE HONORABLE JOHN C. COUGHENOUR

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

WASHINGTON TOXICS COALITION; ) Civ. No. C04-1998C  
NORTHWEST COALITION FOR )  
ALTERNATIVES TO PESTICIDES; )  
NATIONAL WILDLIFE FEDERATION; )  
DEFENDERS OF WILDLIFE; NATURAL ) DECLARATION OF JAMES W.  
RESOURCES DEFENSE COUNCIL; ) WOODWORTH, JR.  
CENTER FOR BIOLOGICAL DIVERSITY; )  
PACIFIC COAST FEDERATION OF )  
FISHERMEN'S ASSOCIATIONS; )  
INSTITUTE FOR FISHERIES RESOURCES; )  
and HELPING OUR PENINSULA'S )  
ENVIRONMENT, )

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF )  
INTERIOR; UNITED STATES )  
DEPARTMENT OF FISH AND WILDLIFE )  
SERVICE; UNITED STATES )  
DEPARTMENT OF COMMERCE; and )  
NATIONAL MARINE FISHERIES )  
SERVICE, )

Defendants,

DECLARATION OF JAMES W. WOODWORTH, JR.  
(C04-1998) - 1 -

*Earthjustice*  
705 Second Ave., Suite 203  
Seattle, WA 98104  
(206) 343-7340

and )  
 )  
 )  
 CROPLIFE AMERICA, WASHINGTON )  
 FRIENDS OF FARMS AND FORESTS, )  
 WASHINGTON STATE POTATO )  
 COMMISSION, NATIONAL POTATO )  
 COUNCIL, WASHINGTON STATE FARM )  
 BUREAU, IDAHO FARM BUREAU )  
 FEDERATION OF WHEAT GROWERS, )  
 WASHINGTON GOLF COURSE )  
 SUPERINTENDENTS ASSOCIATION, HOP )  
 GROWERS OF WASHINGTON, AND )  
 WASHINGTON STATE HORTICULTURAL )  
 ASSOCIATION, )  
 )  
 Defendant-Intervenors. )

I, James W. Woodworth Jr., do hereby affirm and state:

1. I am currently a member of the Natural Resources Defense Council (“NRDC”) and have been since April 2002. I am the Director of Outreach and Technical Assistance at the Casey Trees Endowment Fund, where I focus on urban forestry, outreach, and the impact that urban forestry or the lack thereof has on the rivers in Washington, D.C. I previously worked for NRDC as an Urban Water Specialist. In that capacity I worked on water quality standards, urban runoff, and nonpoint source pollution. My work focused on the Potomac and Anacostia Rivers, which are both tributaries of the Chesapeake Bay.

2. I have lived in Washington, D.C. for almost four years. My residence is in Northwest Washington, D.C., approximately one mile from Piney Branch, an intermittent tributary of Rock Creek and less than two miles from the Potomac River.

3. I recreate regularly along water bodies that are part of the Chesapeake Bay watershed. I run and bike along Rock Creek and the Potomac River several times a week. I

1 hike, trail-run, walk, and bike weekly along tributaries in the Rock Creek and Anacostia  
2 watersheds. I also sea kayak three to four times a month on the Potomac and Anacostia Rivers  
3 and elsewhere in the Chesapeake Bay, including the Patuxent and Severn Rivers, the eastern  
4 shore of Maryland, and the Bay itself. These activities are very important to me, and I plan to  
5 continue to recreate in these areas with at least the same frequency in the future. I derive  
6 immense pleasure, spiritual rejuvenation, strength, and inspiration from these activities.

7 4. When I am engaged in these activities, I enjoy observing the water and looking  
8 for wildlife in and alongside the water, such as fish, reptiles, and amphibians. The endangered  
9 shortnose sturgeon is one species that I have been trying to observe in its natural habitat since I  
10 grew up in Connecticut. I am aware that shortnose sturgeons have been found in and around the  
11 Chesapeake Bay, but I have yet to see one during my kayaking or hiking trips.

12 5. I am very much aware that the Chesapeake Bay and its watershed are affected by  
13 agricultural and other human activities, and that herbicide runoff, including atrazine runoff,  
14 harms aquatic habitat and contributes to poor water quality. I do not fish in the area because of  
15 the pollution and the fish advisories posted for waterbodies located within the Chesapeake Bay  
16 watershed. The catfish in the Anacostia are in a disgusting state and this is true of other bottom  
17 feeders as well.

18 6. If herbicide use and discharge in the Chesapeake Bay watershed are continued or  
19 increased, my recreational activities throughout the Bay and its tributaries will be impaired.  
20 Prolonged or increased discharges threaten to harm endangered species that live in and around  
21 the Bay, impairing my ability to view those species. On the other hand, if herbicide use in the  
22 watershed were restricted, my recreational activities in the area would be significantly enhanced.  
23 Aquatic habitat and water quality would improve, to the benefit of endangered species in and  
24

1 around the Bay. The failure of NOAA Fisheries, the U.S. Fish and Wildlife Service, and the  
2 EPA to comply with the consultation provisions of the Endangered Species Act for pesticides  
3 and herbicides, like atrazine, for use near endangered species habitat causes me harm by  
4 degrading the health of the Chesapeake Bay ecosystem and jeopardizing the survival of  
5 endangered species.

6 7. I am concerned about the impact pesticides such as atrazine are having on the  
7 environment, both on a large scale and on a more personal, backyard-application level. I support  
8 integrated pest management and organic farming, and I am confident that you can use  
9 alternatives to pesticides and still have an abundant harvest without the chemical loading. For  
10 these reasons I participate in community-supported agricultural activities in which I buy a share  
11 of the harvest and each week have produce delivered to my home. This way I can support local,  
12 organic farming, worry less about the chemicals contained in my food, and know that I am  
13 helping reduce the amount of atrazine and other pesticide runoff and chemical loading in the  
14 Chesapeake Bay watershed.

15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
16 and correct to the best of my knowledge.

17 Executed this 11<sup>th</sup> day of May, 2005 in Washington, DC.

18   
19 JAMES W. WOODWORTH JR.  
20  
21  
22  
23  
24

25 DECLARATION OF JAMES W. WOODWORTH, JR.  
26 (C04-1998) - 4 -

*Earthjustice*  
705 Second Ave., Suite 203  
Seattle, WA 98104  
(206) 343-7340